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2010 NOV 23 AM 11:18

FEC MAIL CENTER

IN AND BEFORE THE
FEDERAL ELECTION COMMISSION

In re:)
Senate Conservatives Fund)

MUR 6390

Respondent, Senate Conservatives Fund, Barry Wynn Treasurer ("SCF"), hereby submits the following response to the specific allegations contained in the Complaint in the above-referenced Matter Under Review, MUR 6390.

Response to Complaint's Allegations

1. Complainant is ActBlue, a Democratic/liberal organization federal PAC, which alleges that SCF is a multi-candidate PAC and operates a website for earmarking at <http://senateconservatives.com/takeamericaback>.

Response: The statement is true. SCF is a multi-candidate federal political committee and does raise funds for, and contributes to Republican candidates for the United States Senate.

2. ActBlue alleges that the feature on the SCF website called "easy button" allows a donor to "make a contribution which is apportioned between some or all of the available candidates based on the PAC's internal strategic assessment".

Response: The statement is partially correct and partially incorrect. There is an "easy button" feature on the SCF website, and there is polling and other information provided to donors regarding various candidates. SCF also provides suggestions regarding the allocation and how contributors can allocate their contributions to achieve maximum impact based on recent polling, candidate fundraising, and other factors. However, any suggestion that the contribution decision is made by SCF rather than the donor is false. All contribution decisions are made by the donor, not by SCF.

3. ActBlue alleges that SCF's "easy button" allocates contributions in a way that is "undisclosed to the contributor".

Response: This is not true. The website shows the donor how his/her contribution could be divided and allows the donor to edit the suggested division on not just the first page of the site, but also on the second page where the donor enters his/her personal information. The "easy button" is used to inform contributors as to which candidates have the greatest need, but it does not force them to do anything; and all donations are fully disclosed and capable of being edited and allocated however the donor chooses to do so.

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COMMISSION
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OFFICE OF GENERAL
COUNSEL

4. ActBlue alleges that SCF's use of the "easy button" demonstrates that it is exercising "direction and control" over the contribution and that all earmarked contributions should therefore be counted against SCF's "contribution limits".

Response: The allegation is false. SCF makes recommendations and endorsements, but the donor "directs" and "controls" the contributions he/she makes to candidates and which candidates the donor chooses to support. SCF exercises no control whatsoever over these contribution decisions.

5. ActBlue alleges that SCF has failed to report contributions made using the "easy button" as being made by both the original contributor as well as by the PAC, and is therefore in violation of the Federal Election Campaign Act.

Response: This is not true. SCF has met all of the reporting requirements for earmarked contributions as can be easily ascertained by the voluminous FEC reports filed by SCF.

The SCF website (Take America Back) allowed donors to either manually enter the desired candidate contributions or to use SCF's "easy button" to make recommendations for their consideration.

The step-by-step operation of the "easy button" was as follows:

- The "easy button" demonstrated to a donor an allocation of a total contribution among all of the SCF-endorsed candidates based on who needed the most help, fundraising, polling and other publicly available information (i.e. 20% for Ken Buck, 10% for Pat Toomey, etc.)
- The "easy button" allocation was simply a recommendation. Donors could edit each value before they went to the next screen. Also, donors could make additional edits on the second screen where SCF collected their payment information. In other words, there were several points along the way at which donors were asked if they wished to change the amount of their candidate contributions.
- Once donors confirmed their candidate contribution(s), they received a receipt that itemized each donation so they would have a record of the candidates they supported and the amount(s) they chose to contribute in support of each candidate.
- At no time in the process did SCF direct or control the donors contributions. SCF simply made recommendations and left all contribution decisions up to the donor.

The "easy button" feature was disabled as of November 2, 2010, because it was the end of the 2010 election cycle.

The attached screen shots from the SCF website reflect the operation of the "easy button" feature, and the control retained by the donor:

Attachment 1: Enter Contributions

Attachment 2: Edit Contributions

Attachment 3: Confirm Contributions

Attachment 4: Contribution Receipt

Legal Authority

SCF is a non-connected, multi-candidate political committee registered with the Federal Election Commission, which serves as a conduit for contributions earmarked for conservative Republican candidates for the United States Senate. SCF was established pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). See specifically, 2 U. S. C. §441a(a)(8); 2 U.S.C. §432(b)(1); 11 CFR §§110.6 and 102.8. SCF solicits contributions on its website and accepts contributions made by credit card, remits earmarked contributions as directed by the donor to candidates selected by the donor in the amount determined by the donor, together with the information necessary for the candidate's reporting obligations as required by 2 U.S.C. §441a(a)(8) or 2 U.S.C. §432(b)(2) and 11 CFR §110.6(c)(1)(iv) or 11 CFR §102.8, respectively.

In fact, SCF operates exactly in the same manner as the Complainant, ActBlue. See www.actblue.com.

SCF studies and interviews GOP candidates for the United States Senate and recommends to SCF supporters and donors those candidates who are conservative and who, if elected, will maintain a commitment to conservative principles. SCF further studies the campaigns of Senate GOP candidates and makes recommendations to its supporters as to which candidates are viable and in need of financial support.

Such activities are patterned not only after ActBlue, but also mirror the activities engaged in for more than 20 years by Emily's List which, according to its website, states that the PAC "...finds and recommends the top Democratic women candidates for the House, Senate, and governor to our more than 100,000 members across the country and asks them to give directly to these women's campaigns. EMILY's List members get detailed profiles about each candidate's views, backgrounds, and campaigns — and we let them decide whom they wish to support. 100 percent of members' contributions go directly to the campaigns, providing maximum political impact and delivering a bigger cash boost for our candidates".

EMILY's List further asks supporters to become a member by "... contributing directly to EMILY's List and pledging to contribute to one or more recommended candidates."

See www.emilyslist.org

SCF makes recommendations to donors regarding candidates worthy of support from SCF subscribers/members. SCF is, at all times, mindful of 11 CFR §110.6(d) requiring that the direction and control over each contribution must rest with the donor. At no time SCF exercised direction or control over the contribution decision of the donors. See Affidavit of Don Workman, SCF Member, Attached hereto as Attachment 5.

CONCLUSION

For the reasons stated herein, because Respondent has committed no violation of the Act, the Complaint against Senate Conservatives Fund, Barry Wynn, Treasurer must be dismissed.

Respectfully Submitted.

/s/ Cleta Mitchell

Cleta Mitchell, Esq.
Foley & Lardner LLP
3000 K Street, NW #600
Washington, DC 20007

Counsel to Respondent,
Senate Conservatives Fund

November 23, 2010

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ATTACHMENT 1:

ENTER CONTRIBUTIONS

DRYING SCREW DRIVERS

11

www.fishbase.org/links/links.html

Model 2

INTERCONTRIBUTIONS



Sam's Conservation Fund
 10001 ACRES

時

Introduction

Joe Milby
435-142
8
199

Earl Ellis
506-0365
10
400

Charles Arthur
Smith
12
400

Dino Peral
843-191258
11
400

Mark Culp
2
400

A row of five black and white photographs of children, each with a name label and a number in a box. From left to right:

- Chadling O'Connell** (age 12) - A young boy with dark hair, looking slightly to the side.
- Russell Paul** (age 11) - A young boy with dark hair, looking directly at the camera.
- Pat Tenbury** (age 12) - A young boy with dark hair, looking directly at the camera.
- Ron Johnson** (age 1) - A young boy with dark hair, looking directly at the camera.
- Mamie Rubio** (age 5) - A young girl with dark hair, looking directly at the camera.

11044293658

TAKE AMERICA BACK

STAND FOR CONSTITUTIONAL VALUES AND LIBERTY

3.8M
100.00

5M
100.00

ENTER CONTRIBUTIONS

Contribution amount must be in U.S. dollars. No foreign currency. All contributions are subject to verification. No cash or check payments.

100



Senators Conservatives Fund
P.O. Box 20000, Washington, D.C. 20002

SCF
PAC

0

COMPLETE YOUR CONTRIBUTION

 John M. McHugh R-PA 100	 Ron Rumsfeld R-PA 10	 Sherry Dwyer R-PA 10	 Dino Rossi R-PA 10	 Mike Lee R-PA 2
 Christopher O'Donnell R-PA 10	 Rand Paul R-PA 10	 Pat Toomey R-PA 10	 Don Lysenko R-PA 1	 Marco Rubio R-PA 10

TAKE AMERICA BACK

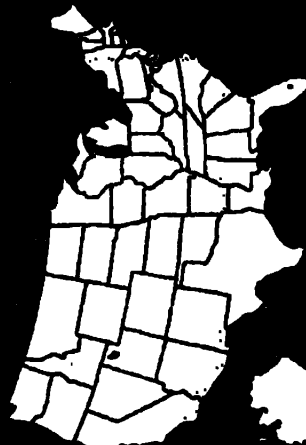
CONSTITUTIONAL PARTY OF THE UNITED STATES

39M 50M

ENTER CONTRIBUTIONS

For a complete list of candidates, visit our website at www.constitutionalparty.org.
 For more information, visit our website at www.constitutionalparty.org.

100



Sanita Conservations Fund

SCF PAC

COMPLETE YOUR CONTRIBUTION

Christine O'Donnell
 44-555-5555
 13

Rand Paul
 44-555-5555
 10

Pat Tormey
 44-555-5555
 12

Ben Johnson
 44-555-5555
 1

Mark R. Rubio
 44-555-5555
 0

Joe Miller
 44-555-5555
 0

Ken Buck
 44-555-5555
 10

Shirley Ann
 44-555-5555
 10

Dino Royd
 44-555-5555
 11

Mark Lee
 44-555-5555
 2

TAKE AMERICA BACK

AMERICA'S HOUSE OF REPRESENTATIVES UNDERGOES THE MOST RADICAL REFORM

NAME STATE ZIP

Extra contributions

Send in an extra contribution to help us reach our goal of 100% of the House of Representatives. Your extra contribution will be used to help us reach our goal of 100% of the House of Representatives.

100



Send in an extra contribution to help us reach our goal of 100% of the House of Representatives.

SCF PAC

0

COMPLETE YOUR CONTRIBUTION

Constance O'Donnell
\$13

David Paul
\$10

Paul Ramsey
\$12

Ronald Brown
\$1

Marco Rubio
\$0

Mike Lee
\$0

Mike Lee
\$10

Sharon Smith
\$12

Dino Rossi
\$11

Mike Lee
\$3

11044293661

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

CHANGE THE CONGRESSIONAL MINDS CHANGING THE FUTURE OF OUR COUNTRY

501c3
NON-PROFIT

NAME

501c3
NON-PROFIT

<input type="checkbox"/> 12	<input type="checkbox"/> 0	<input type="checkbox"/> 10	<input type="checkbox"/> 10	<input type="checkbox"/> 3	<input type="checkbox"/> 12	<input type="checkbox"/> 1	<input type="checkbox"/> 11	<input type="checkbox"/> 0	<input type="checkbox"/> 13
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<input type="checkbox"/> 12	<input type="checkbox"/> 0	<input type="checkbox"/> 10	<input type="checkbox"/> 10	<input type="checkbox"/> 3	<input type="checkbox"/> 12	<input type="checkbox"/> 1	<input type="checkbox"/> 11	<input type="checkbox"/> 0	<input type="checkbox"/> 13
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501c3
NON-PROFIT

501c3
NON-PROFIT

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

CHANGE IN WASHINGTON HASN'T ENLIGHTENED THE PEOPLE WE SERVE

3.6M
5M

									
13	8	10	10	2	12	1	11	0	13

Form with multiple input fields and checkboxes, including a "SEE PAC" button.

11044293663

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

CHIEF OF CAMPAIGN: CLINTON L. BARNETT, JR. (R-VA)

5M

2.9M
10/10/10

12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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SENATE CONSERVATIVES FUND
CLINTON L. BARNETT, JR. (R-VA)

2.9M
10/10/10

SENATE CONSERVATIVES FUND
CLINTON L. BARNETT, JR. (R-VA)

SENATE CONSERVATIVES FUND
CLINTON L. BARNETT, JR. (R-VA)

88 **Special Topics in Mathematics**

TAKE AMERICA BACK

THE CHAIRMAN OF THE COMMITTEE ON THE JUDICIARY, SENATE OF THE UNITED STATES

0.815

MS

[illegible][illegible][illegible]

(continued)

உயிரின வளர்ச்சி

☆

<http://www.northernconnecticut.com/johnsonvilleofconnecticut/>

TAKE AMERICA BACK

LEAD by David Shields

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

1

10

COMPLETE YOUR DONATION

1999

1. 1990	1990
2. 1991	1991
3. 1992	1992



5000 HHHH

11044283566

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

SENATE CONSERVATIVES FUND

3.8M 5M
PROG18

Billing Name

Credit Card

Total Charge



\$100.00

Contributions

Sen. Lindsey - \$10.00
Sen. Lujan - \$10.00
Sen. McCain - \$10.00
Sen. Romney - \$10.00
Sen. Santorum - \$10.00
Sen. Tea Party - \$10.00
Sen. Vitter - \$10.00
Sen. Wittman - \$10.00
Sen. Young - \$10.00
Sen. Zinke - \$10.00

COMPLETE YOUR DONATION

10 10 10

10 10 10

10 10 10

10 10 10

ALL DONATIONS ARE TAX DEDUCTIBLE

11044293667

ATTACHMENT 2:

EDIT CONTRIBUTIONS

16

TAKE AMERICA BACK

THE UNIVERSITY OF CHICAGO PRESS

54

100

G. S. 45



13

Journal of Management Inquiry 17(6)

[illegible][illegible][illegible]

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

[illegible][illegible]

Journal of Management Education 36(1)

11044293669

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

SENATE REPUBLICANS WHO BELIEVE IN THE CONSTITUTION

SEN

NAME: _____

SEN

12	11	10	9	8	7	6	5	4	3	2	1	0	13
----	----	----	---	---	---	---	---	---	---	---	---	---	----

ADDRESS: _____

CITY: _____

STATE: _____

ZIP: _____

TELEPHONE: _____

DATE: _____

SIGNATURE: _____

SEN
PAC

SENATE CONSERVATIVES FUND
TAKE AMERICA BACK

SENATE CONSERVATIVES FUND
TAKE AMERICA BACK

11044293670

SENATE CONSERVATIVES FUND
TAKE AMERICA BACK

ORDER BY CARD OR MAIL ORDER AND WE'LL GET IT TO YOU FAST

3.95
PER COPY











NAME

5M
PER COPY

NAME	ADDRESS	CITY	STATE	ZIP
				
				

NAME	ADDRESS	CITY	STATE	ZIP
				
				

NAME	ADDRESS	CITY	STATE	ZIP
				
				

NAME	ADDRESS	CITY	STATE	ZIP
				
				

STP
PAC

STP PAC
P.O. Box 1000
Washington, D.C. 20001

STP PAC
P.O. Box 1000
Washington, D.C. 20001

SENATE CONSERVATIVES FUND

TAKE AMERICA BACK

SENATORS ARE STANDING FOR AMERICA'S GROWING AND RISING PEOPLE

98M
100M

98M
100M

98M
100M

12	11	10	9	8	7	6	5	4	3	2	1	0	13
12	11	10	9	8	7	6	5	4	3	2	1	0	13

100M

100M

100M

100M

100M

100M

100M

100M

100M

100M

Small text at top right

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

an official Washington State affiliate of the Senate Conservatives Fund

5M
0041

38M
0041

Total Charge
\$100.00

Contributions

- John Smith - \$50.00
- John Doe - \$50.00
- John Doe - \$50.00
- John Doe - \$50.00
- John Doe - \$50.00
- John Doe - \$50.00
- John Doe - \$50.00
- John Doe - \$50.00
- John Doe - \$50.00
- John Doe - \$50.00

Credit Card

Billing Name

COMPLETE YOUR DONATION

100
0041

100
0041

100
0041

100
0041

SENATE CONSERVATIVES FUND

11044293674

ATTACHMENT 3:

CONFIRM CONTRIBUTIONS

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Official Senate Election Signs

SENATE CONSERVATIVES FUND

TAKE AMERICA BACK

Conserve the American Heritage and the People of the Nation

5M
GOAL

Progress bar showing 3.8M raised out of 5M goal.

3.8M
RAISED

Billing Name

[Redacted Billing Name]

Credit Card

[Redacted Credit Card]

Cardholder Name

[Redacted Cardholder Name]

Total Charge

\$100.00

Cardholder Address

[Redacted Cardholder Address]

Cardholder City

[Redacted Cardholder City]

Cardholder State

[Redacted Cardholder State]

Cardholder Zip

[Redacted Cardholder Zip]

Cardholder Phone

[Redacted Cardholder Phone]

Cardholder Email

[Redacted Cardholder Email]

COMPLETE YOUR DONATION

100
SECONDS

740
MINUTES

120
HOURS

120
DAYS

100 SECONDS

740 MINUTES

120 HOURS

120 DAYS

Ground screw anchors

quod est magis proprium et utile propter rationem quam per se

TAKE AMERICA BACK

[illegible]

1005
517

Cricket Camp

Contributors

Total Charge: \$100.00

COMPLETE YOUR DONATION

[Globe](#)

CONCLUSIONS



00

11044293678

ATTACHMENT 4:
CONTRIBUTION RECEIPT



Contribution Receipt

1 message

Senate Conservatives Fund <noreply@senateconservatives.com>

Wed, Oct 13, 2010 at 1:20 PM

To:

Thank you for supporting the Senate Conservatives Fund. Your contribution will appear as a payment to "Senate PAC" on your credit card statement. If you made a contribution to a specific candidate, it will be delivered to their campaign immediately.

Please email us at contributions@scfpac.com or call us at (877) 838-9388 if you have any questions regarding your contribution.

TRANSACTION #41703485Y11239684 ON 10/13/2010

Ron Johnson	\$1.00
Mike Lee	\$2.00
Marco Rubio	\$5.00
Joe Miller	\$9.00
Dino Rossi	\$11.00
Sharron Angle	\$12.00
Pat Toomey	\$12.00
Christine O'Donnell	\$13.00
Rand Paul	\$16.00
Ken Buck	\$19.00
TOTAL CHARGE	\$100.00

Contributions to Senate Conservatives Fund are not deductible as charitable contributions.

Not paid for at taxpayer expense. Contributions from corporations or foreign nationals

lacking permanent resident status are not permitted. Federal law requires Senate Conservatives Fund to report the name, mailing address, occupation and employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

PAID FOR BY SENATE CONSERVATIVES FUND PAC

NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE

[HTTP://SENATECONSERVATIVES.COM](http://SENATECONSERVATIVES.COM)

P.O. BOX 338 ALEXANDRIA, VA 22313 (877) 838-9388

11044293679

11044293680

ATTACHMENT 5:

AFFIDAVIT OF DON WORKMAN